

REMARKS/ARGUMENTS

Claims 1-19, 27, and 29-33 are cancelled.

Claims 39-41 are new.

Support for each new and amended claim is found at the originally filed claims and throughout the originally filed specification.

No new matter is believed to have been added.

The indefiniteness rejection of Claims 20-38 is believed to be obviated by the amendment of Claims 20, 28, and 34. Withdrawal of the indefiniteness rejection is respectfully requested.

The obviousness rejection of Claims 20-38 as being unpatentable in view of Fischer in combination with Woodbury is respectfully traversed because there is no motivation to combine the references; and because Fischer and Woodbury, alone or in combination, do not describe or suggest all of the features of present claims.

The rejection of Claims 27, and 29-33 is obviated by cancellation of these claims.

At the outset, Applicants submit there is no motivation to combine the references. Applicants note that Fischer describes conducting Fischer's reaction with a specific base, 1,3-dimethylimidazolium-4-carboxylate (see, for example, the Abstract of Fischer). At column 3, lines 1-12, Fischer describes that Fischer's catalyst "enables particularly short residence times," "together with good yields, selectivities and high space time yields." Further, Fischer describes that "In addition, the oligomerization or polymerization of the two starting materials ...which is a known secondary reaction, can be virtually completely avoided and the distillation residue to be disposed of...is thereby minimized."

Because of these advantages, one of ordinary skill in the art would not be motivated to replace the organic 1,3-dimethylimidazolium-4-carboxylate base of Fischer with, for example, an inorganic lithium hydroxide base of Woodbury because doing so would be expected to result in loss of the many advantages that accrue from using the specific base of Fischer. There is thus no motivation to combine the references. Withdrawal of the obviousness rejection is requested on this basis alone.

Further, present Claims 20, 28, and 34, and the claims depending therefrom, contain the feature “wherein the addition of the at least one sulfonic acid neutralizes the base in such a way that no sedimenting precipitates occur” for the combination of the base and the at least one sulfonic acid in these present claims. Applicants submit this feature is not described or suggested by Woodbury or Fischer, either alone or in combination.

At the outset, Applicants respectfully submit that the Office has mischaracterized Woodbury. At page 5 of the Official Action, the Office describes “Example 7 of Woodbury teaches avoidance of precipitates during the process of preparing the compound.” Applicants submit this characterization of Woodbury is incorrect.

Applicants note that Example 7 of Woodbury describes, in part, that “The batch was cooled to approximately 80 °C and filtered through a medium porosity filter paper. The Li<sub>2</sub> malate precipitate was easily removed by this filtration...” (underlining emphasis added).

Applicants respectfully submit that Example 7 of Woodbury describes precipitates, specifically a malate precipitate. Accordingly, the Office’s reliance on Example 7 of Woodbury to teach “the avoidance of precipitates during the process of preparing the compound” is incorrect.

Further, the Abstract of Woodbury, and column 3 of Woodbury, lines 2-4, describe in part that “A polyacidic acid can be used to acidify the batch, followed by filtration to remove the precipitated lithium salt of the acid...” (underlining emphasis added).

Moreover, in the Examples where the lithium based catalyst of Woodbury is quenched with an acid, (e.g., Examples 2, 5, 7, 8, 9) all describe precipitations.

Accordingly, Woodbury does not describe or suggest employing a lithium based catalyst that is subsequently quenched with acid in such a way that precipitation is avoided. Indeed, one of ordinary skill in the art in reading Woodbury would be “taught” that Woodbury’s quenching results in precipitation.

Further, in the examples of Fischer, phosphoric acid is used as a quenching acid which leads to the formation of precipitates (see, for example, the comparative examples in the present originally filed specification). Because all of the examples of Fischer result in precipitative queching, and because Fischer appears to describe a variety of acids as being without distinguishing any of the acids on the basis of properties thereof, one of ordinary skill in the art would necessarily understand Fischer describes that, regardless of the acid employed, precipitation would be expected upon quenching.

Accordingly, neither Fischer nor Woodbury describe or suggest the feature of the present claims “wherein the addition of the at least one sulfonic acid neutralizes the base in such a way that no sedimenting precipitates occur.”

Withdrawal of the rejection is requested on this basis alone.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

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Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'Charles J. Andres, Jr.', written over a horizontal line.

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